

Defendants Boehringer Ingelheim Roxane, Inc., Roxane Laboratories, Inc., Boehringer Ingelheim Corp., and Boehringer Ingelheim Pharmaceuticals, Inc. (collectively “Defendants”) respectfully move the Court for leave to file a supplement to their Local Rule 56.1 Statement of Facts (Dkt. No. 6207). After Defendants’ summary judgment briefing was filed, Magistrate Judge Bowler granted Defendants’ Expedited Motion for Leave to Depose Carolyn Helton and Robin Kreush Stone (Ex. 1, 9/30/09 Order; Ex. 2, 9/14/09 Order). Defendants wish to file this supplemental statement of facts to supplement the summary judgment record with additional facts obtained from the depositions taken of Ms. Helton and Ms. Stone pursuant to Magistrate Judge Bowler’s Order. Defendants believe this supplement will assist in resolving Defendants’ pending summary judgment motion. The United States does not oppose Defendants’ request. A copy of the proposed filing is attached as Exhibit 3.

Dated: October 29, 2009

Respectfully submitted,

/s/ Eric T. Gortner

Helen E. Witt, P.C.

Anne M. Sidrys, P.C.

Eric T. Gortner

John W. Reale

KIRKLAND & ELLIS LLP

300 North LaSalle Street

Chicago, IL 60654

Telephone: (312) 862-2000

Facsimile: (312) 862-2200

Counsel for Defendants

Boehringer Ingelheim Corp.,

Boehringer Ingelheim Pharmaceuticals, Inc.,

Boehringer Ingelheim Roxane, Inc., and

Roxane Laboratories, Inc.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on October 29, 2009, a copy to LexisNexis File and Serve for posting and notification to all parties.

/s/ Eric T. Gortner
Eric T. Gortner